

REMARKS

Request for Continued Examination

Applicants request continued examination of the instant application under 37 C.F.R. 1.114 in view of the Advisory Action mailed April 22, 2004 and Amendment B After Final, which was not entered.

Claim Amendments

Claims 1 and 5 have been amended to replace the phrase “treating or preventing neoplasia disease” with the phrase “preventing or inhibiting solid tumor growth.” No new matter has been added. The claim as amended is supported by the specification, for example, at page 22, lines 16-26.

Claim 7 has been amended to include the compounds of formula XVII and XVIII as described on pages 8 and 9 of the specification. No new matter has been added.

Claim 9 has been amended to be placed in proper independent form. No new matter has been added. The claim as amended is supported by claims 1 and 9 as originally filed and by the specification, for example, at page 4, line 22 to page 5, line 5.

Claims 10-13 have been cancelled and new claim 14 has been added. New claim 14 is supported in the specification, for example, at page 5, line 9 to page 9, line 4.

Upon entry of this amendment, claims 1, 3, 5, 7, 9 and 14 will be pending in the application.

Claim Rejections

1. Obviousness-type double patenting rejection

Applicants acknowledge the withdrawal of the obviousness-type double patenting rejection.

2. Rejection Under 35 U.S.C. §112

Claims 1, 3, 5, 7 and 9-13 are rejected under 35 U.S.C. §112, first paragraph for failing to enable the treatment or prevention of neoplasia diseases. In response thereto, Applicants have amended claims 1 and 5 to replace the phrase “treating or preventing

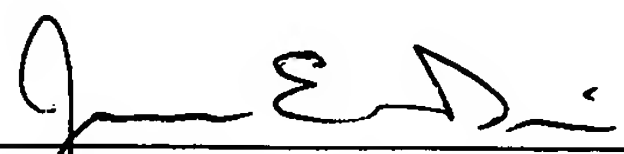
neoplasia diseases” with the more definite phrase “preventing or inhibiting solid tumor growth.” Applicants respectfully submit that the amended claims are sufficiently defined within the scope of the specification such that one skilled in the art would be able to practice the invention without undue experimentation. More particularly, the prevention or inhibition of solid tumor growth is described in the specification, for example, at page 22, lines 16-26. Thus, withdrawal of the rejection under 35 U.S.C. §112, first paragraph is respectfully requested.

Conclusion

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests reconsideration of claims 1, 3, 5, 7, 9 and 14. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 446-7683. Favorable reconsideration is respectfully requested.

Enclosed is a check in the amount of \$1720.00 for the purchase of a three-month extension of time under 37 C.F.R. 1.136(a) and a request for continued examination under 37 C.F.R. 1.114. Further, the Commissioner is hereby authorized to charge any other fee deficiency or credit any overpayment of fees to Deposit Account No. 08-0750.

Respectfully submitted,


James E. Davis, Reg. No. 47,516
Harness, Dickey & Pierce, P.L.C.
7700 Bonhomme, Suite 400
St. Louis, Missouri 63105
(314) 726-7500 (tel)
(314) 726-7501 (fax)